

# Notice of Allowability

Application No.

09/978,159

Examiner

William K Cheung

Applicant(s)

HILL ET AL.

Art Unit

1713

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to Amendment(1219).
2. ☒ The allowed claim(s) is/are 1-46.
3. ☐ The drawings filed on \_\_\_\_\_ are accepted by the Examiner.
4. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) ☐ All b) ☐ Some\* c) ☐ None of the:
    1. ☐ Certified copies of the priority documents have been received.
    2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).
  - \* Certified copies not received: \_\_\_\_\_.
5. ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.
  - (a) ☐ The translation of the foreign language provisional application has been received.
6. ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application. **THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

7. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
8. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
  - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
    - 1) ☐ hereto or 2) ☐ to Paper No. \_\_\_\_\_.
  - (b) ☐ including changes required by the proposed drawing correction filed \_\_\_\_\_, which has been approved by the Examiner.
  - (c) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No. \_\_\_\_\_.

Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the margin according to 37 CFR 1.121(d).

9. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

## Attachment(s)

- |  |   |
|--|---|
| 1 <input type="checkbox"/> Notice of References Cited (PTO-892)  | 5 <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)          |
| 2 <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                    | 6 <input type="checkbox"/> Interview Summary (PTO-413), Paper No. _____             |
| 3 <input checked="" type="checkbox"/> Information Disclosure Statements (PTO-1449 or PTO/SB/08), Paper No. <u>0827</u> | 7 <input type="checkbox"/> Examiner's Amendment/Comment                             |
| 4 <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit of Biological Material                 | 8 <input checked="" type="checkbox"/> Examiner's Statement of Reasons for Allowance |
|  | 9 <input type="checkbox"/> Other  |

### **DETAILED ACTION**

1. In view of argument filed December 19, 2003, the restriction set forth for claims 29-30, 40-45 have been rejoined. Claims 1-46 are pending and examined with merit.
2. In view of argument filed December 19, 2003, the rejection of claims 34-36 under 35 U.S.C. 102(b) as being anticipated by Cassella, Jr. (US 3,784,400) is withdrawn. Further, the rejection of claim 37 under 35 U.S.C. 102(b) as being anticipated by Birkhofer et al. (US 5,433,752) is withdrawn.

### ***Allowances***

3. Claims 1-46 are allowed.
4. The following is an examiner's statement of reasons for allowance:  
As of the date of this office action, the examiner has not located or identified any reference that can be used singularly or in combination with another reference including

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the closest prior art of Cassella, Jr. (US 3,784,400) and Birkhofer et al. (US 5,433,752) to render the present invention anticipated or obvious to one of ordinary skill in the art.

The closest prior art Cassella (abstract; col. 3, line 63 to col. 4, line 40) discloses a composition useful for leather treatment containing alkenyl succinic acid or succinic acid anhydride, sulfated fatty oil (sulfated sperm oil, Hydrol 80, a fatty alcohol), an amide (col. 4, line 22-25), and water (col. 4, line 28). However, Cassella is silent on a composition containing at least one C<sub>10</sub> or lower alcohol cosolvent and a caustic soda. Since the composition of Cassella (col. 6, line 17-18) teaches a composition having a pH in the range of about 3 to 5.5, it would not be apparent to one of ordinary skill in art to use the composition teachings of Cassella to obtain the invention of claims 1-30 which involves using a caustic soda in the disclosed composition.

Regarding claims 31-46, in view of applicants' argument, the closest prior art Birkhofer et al. teaches alkenyl succinic anhydride and does not teach alphaolefin substituted-maleic acid copolymer as claimed. Therefore, it would not be apparent to one of ordinary skill in art to use the alkenyl succinic anhydride teachings of Birkhofer et al. to obtain the leather-treating composition comprising an alphaolefin substituted-maleic acid copolymer invention of claims 31-46.

In view of the reasons set forth above, the invention of claims 1-46 is allowed.

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In light of the above discussion, it is evident as to why the present claims are patentable over the prior art.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, and to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

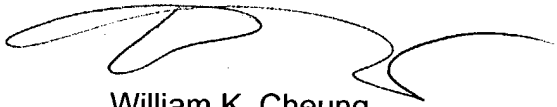
### ***Conclusion***

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to William K Cheung whose telephone number (571) 272-1097. The examiner can normally be reached on Monday-Friday 9:00AM to 2:00PM; 4:00PM to 8:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David WU can be reached on (571) 272-1114. The fax phone number for the organization where this application or proceeding is assigned is (703) 305-5885.

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Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (571) 272-1300.

A handwritten signature in black ink, appearing to read 'William K. Cheung', with a stylized, flowing script.

William K. Cheung

Patent Examiner

January 14, 2004